

REMARKS

At the outset, the courtesies extended by the Examiner in granting the 12 April 2005 interview, and the professionalism he demonstrated during the interview, are appreciatively noted. At the interview, the references cited by the Examiner in the 14 January 2005 Office Action were discussed in light of the clarifying amendments proposed to the claims by the undersigned attorney, as set forth herein.

Responsive to the 14 January 2005 Office Action and the discussions had at the interview, Claims 4 and 10 are now amended for further prosecution with the other pending claims. It is believed that with such amendment of claims, there is a further clarification of their recitations.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for not showing every feature of the invention specified in the claims. More specifically, the Examiner stated that the “package” recited in Claim 10 must be shown, else cancelled from the claim. It is believed that the amendments hereby incorporated into Claim 10 now obviate the Examiner’s objection to the drawings.

The Examiner objected to the Specification for containing improper phraseology in the Abstract. The Examiner also noted the confusing use of reference character 25 to identify different features in the disclosure. Appropriate

corrections for these informalities as well as a clarification in terminology to preserve consistency with the claims are hereby incorporated. The corrections are purely formal in nature and, therefore, introduce no new matter.

A notational correction (reference character 45) for consistency with the specification is also incorporated hereby into Fig. 2 to remove potential confusion. The change incorporated is purely formal in nature; hence, it introduces no new matter.

Also in the Office Action, the Examiner objected to Claims 5 – 10 for containing a number of specifically-noted informalities. Claims 4 – 7 have also been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. It is respectfully submitted that the amendments hereby incorporated into the claims now obviate the Examiner's formal concerns, including those set forth under 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 4 – 7 also under 35 U.S.C. § 102(b) as being anticipated by the Russell reference. The Examiner additionally rejected Claims 4-9 under 35 U.S.C. § 102(b) as being anticipated by the Jacobs reference, and Claims 10 and 11 under the same statutory section as being anticipated by the Zobelein reference.

The Examiner further rejected Claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Russell. In setting forth this rejection, the Examiner acknowledged that Russell fails to disclose shipping a novelty in a package and unpacking that novelty. The Examiner reasoned, however, that shipping and unpacking are secondary steps inherent to delivery of a package and concluded therefrom that it would have been obvious to one of ordinary skill in the art to have shipped the novelty accordingly.

As each of the newly-amended independent Claims 4 and 10 now more clearly recites, Applicant's disclosed approach includes among its combination of features a body having apertures to which one or more appendages are connected "to project in displaceably suspended manner" therefrom. Each appendage is formed with "at least one flexible connecting member" for securement by connecting structures which engage the body's apertures. The connecting structures are provided with "a plurality of prongs flexibly coupled to a first end" such that they "extend towards said body" to terminate "at respective termini for engage[ement]" therewith, as Claims 4 and 10 also now more clearly recite. Newly-amended independent Claim 10 further recites the step of shipping this novelty "in at least partially unassembled manner."

The full combination of these and other features now more clearly recited by Applicant's pending claims is nowhere disclosed by the cited references. Turning first to the Russell reference, such is directed to an apparatus for

mounting a roller gear element 102 to the wall of a housing structure 104. The Examiner correlated this wall 104 and gear face 150 of the roller gear 102 with Applicant's claimed body and appendage, respectively. Note, however, that the need for packed engagement of this roller gear 102 with a neighboring gear 106 as shown in Fig. 7 plainly precludes this roller gear from "project[ing] in displaceably suspended manner from said body," as Claims 4 and 10 each now more clearly recite for Applicant's appendage.

The Jacobs reference, too, discloses an apparatus for fixedly interlocking an object to a support member. While the disclosed snap-in fastener type apparatus employs a resilient spacer between the fastened object and its support, that resilient spacer is meant merely to serve as a compressible member which permits "workpieces of different thicknesses ... [to] be accommodated," (column 2; lines 1-2). The compressed spacing member only serves to tighten the workpieces' fixed mounting to the support structure, not to enable the workpiece to "project in displaceably suspended manner from said body," as Claims 4 and 10 now more clearly recite.

Moreover, the fastener 68 disclosed in each of Jacobs' embodiments is formed with features which distinctly depart from such features clarified by Applicant's newly-amended independent claims as "prongs extending towards said body" from a first end to terminate at respective "termini for engage[ment]" therewith. The leading edge portions 21a and 21b of Jacobs' fastener 68, for

instance, extend quite necessarily away from the support member being fastened to.

The Zoebelain reference discloses a securement apparatus for detachably securing a shelf to the end wall of a bookcase. While this reference is cited for disclosing securement of the bookshelf 12 to an end wall 11 after shipping and unpacking, ready detachability is normally a common feature of bookcase shelves for adjustment or removal during use. Such is normally not the case for appendages in a novelty connecting to a body “to project in displaceably suspended manner therefrom,” as Claim 10 now more clearly recites. Zoebelain, therefore, fails to disclose a novelty having a body and “one or more appendages including at least one flexible connecting member,” along with the coupling structure as claimed, much less the shipping of such novelty “in at least partially unassembled manner.” Indeed, Zoebelain teaches instead the rigid securement of a bookshelf in firmly fixed manner.

It is respectfully submitted, therefore, that the cited Russell, Jacobs, and Zoebelain references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant’s pending claims for the purposes and objectives disclosed in the subject Patent Application. The other references cited by the Examiner but not used in the rejection are found to be further remote from the claimed system and method when patentability considerations are taken into account.

MR653-1405

Serial Number: 10/612,094

Response to Office Action Dated 14 January 2005

It is now believed that the subject Patent Application has been placed fully
in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Figs. 1 – 2, replaces the original sheet including those figures. In Fig. 2, a previously omitted reference character (45) has been added.

Attachment: Replacement sheet